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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/299,952	04/26/1999	RANDALL M. GEORGE	AT9-99-174	3894

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EXAMINER

VO, LILIAN

ART UNIT	PAPER NUMBER
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2127

10

DATE MAILED: 05/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/299,952

Applicant(s)

GEORGE ET AL.

Examiner

Lilian Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2 - 5, 7 - 13, 15 - 18, and 20 - 26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 2 - 5, 7 - 13, 15 - 18, and 20 - 26 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This office action in response to application filed on April 26, 1999. Claims 2 – 5, 7 – 13, 15 - 18, and 20 - 26 are presented for examination.

#### ***Allowable Subject Matter***

2. The indicated allowability of claims 7 and 20 are withdrawn in view of the newly discovered reference(s) to Piazza et al. (US Pat 6,026,438). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 3 – 5, 7 -13, 16 – 18, and 20 - 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Piazza et al. (US Pat 6,026,438).

Regarding **claim 3**, Piazza et al. disclose data processing system is a windows-based system (col. 4, lines 52 - 62).

Regarding **claim 5**, Piazza et al. disclose the snapshot may be configured to include or exclude portions of data within the data processing (col. 3, lines 21 – 33, col. 4, lines 23 – 27, 42 - 51).

*Mr 5/15/03*

Regarding **claim 1**, Piazza et al. disclose a method for identifying and storing changes to a data processing system within a distributed data processing system, the method comprising the computer-implemented steps of:

initializing the data processing system for a capture of an initial state of the data processing system (col. 3, lines 44 – 50, col. 6, lines 63 - 67);

modifying (col. 4, lines 23 - 27);

capturing the modified state (col. 6, lines 63 – 67, col. 7, lines 15 – 62, col. 8, lines 30 - 33);

storing differences between initial state and the modified state (col. 7, lines 15 – 39), wherein the differences are separated into system-specific changes (col. 8, lines 30 - 32), and user-specific changes (col. 11, lines 50 - 60);

wherein the system specific changes are applied on a per-system basis and the user-specific changes are applied on a per-user basis (col. 7, lines 15 – 62, col. 11, lines 5 – 65);

wherein the differences between the initial state and the modified state comprise differences between user files, system files, user registries, and system registries (col. 6, lines 63 – 67, col. 7, lines 13 – 62, col. 8, lines 27 -32, col. 11, lines 5 – 65, col. 10, lines 2 - 55); and

wherein the differences between user files and differences between user registries may be used to manage configurability of the application on a per-user basis (col. 11, line 5 – col. 12, line 36, “This will document personal templates, address book, contact list, and other personal data. Specifically, under Profile in the home directory, file USER.USR (in NT 4.0, this file is called NTUSER.DAT) stores all USER specific registry entries which is defined as HKEY.sub.-- CURRENT.sub.-- USER whenever a user logs onto a workstation.”).

Regarding **claim 8**, Piazza et al. disclose the differences between system files and differences between system registries may be used to manage configurability of the application on a per-system basis (col. 7, lines 13 – 62, col. 6, lines 63 – 67, col. 8, lines 27 - 32).

Regarding **claim 9**, Piazza et al. disclose the differences between .INI files (col. 6, lines 63 – 67, col. 7, lines 13 – 22).

Regarding **claim 10**, Piazza et al. inherently disclose the differences between .INI files is captured line-by-line (col. 6, lines 63 – 67, col. 7, lines 13 – 62). Piazza et al show the system configuration data before and after the install snapshot, which also include the differences between the ini files. Snapshot means an exact image, including every line in the files, is copied. Hence, comparing the differences between the files must include comparing each line in the file. Therefore, it is inherent that the differences between .INI files are captured line-by-line.

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**Claims 4, 11 – 13, 16 – 18, and 20 - 26** are rejected on the same ground as stated above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piazza et al. (US Pat 6,026,438) in view of Sondur et al. (US. Pat 6,282,568).

Regarding **claims 2 and 15**, Piazza et al. did not specifically disclose the distributed data processing system is a heterogeneous client-server system. However, the reference of Sondur et al. teaches of the distribution of automated management tools that provided support for heterogeneous network environments col. 1, lines 32-42). Therefore, it would have been obvious for one ordinary skill in the art, to consider implement Piazza et al.'s invention in the heterogeneous environment in order to provide more flexibility in any data processing system environment.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 703-305-7864.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Lilian Vo  
Examiner  
Art Unit 2127

lv  
May 15, 2003



**JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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